

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CHRISTOPHER FAIN;
ZACHARY MARTELL; and
BRIAN MCNEMAR,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

CIVIL ACTION NO. 3:20-0740

WILLIAM CROUCH, in his official capacity as Cabinet Secretary of the West Virginia Department of Health and Human Resources;
CYNTHIA BEANE, in her official capacity as Commissioner for the West Virginia Bureau for Medical Services;
WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, BUREAU FOR MEDICAL SERVICES;
TED CHEATHAM, in his official capacity as Director of the West Virginia Public Employees Insurance Agency; and
THE HEALTH PLAN OF WEST VIRGINIA, INC.,

Defendants.

ORDER

Pending before the Court is Plaintiffs' second Motion for Leave to File Sur-Reply (ECF No. 58). After the Court granted an identical motion (ECF No. 56), the Court Clerk directed plaintiffs to file a signed copy of the Sur-Reply. Plaintiffs instead filed another motion. That motion is **DENIED AS MOOT**, and the Plaintiffs are **DIRECTED** to file the signed Sur-Reply.

The Clerk is **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: May 20, 2021



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE